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UNCLAS SECTION 01 OF 15 SARAJEVO 000181

SENSITIVE  
SIPDIS

G/TIP FOR ROFMAN/DONNELLY; EUR/SCE FOR FOOKS/MCGUIRE;  
EUR/PGI FOR BUCKNEBERG; NSC FOR HELGERSON; G-ACBLANK, INL,  
DRL, PRM

E.O. 12958: N/A

TAGS: [PGOV](#) [PHUM](#) [PREF](#) [KTIP](#) [AADP](#) [ELAB](#) [KCRM](#) [KFRD](#) [KWMN](#)  
SMIG, BK

SUBJECT: BOSNIA - SUBMISSION FOR THE 2009 TIP REPORT

REF: 2008 STATE 132759

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1. (U) Summary: This cable constitutes Post's submission for the 2009 TIP report for Bosnia and Herzegovina (BiH). Post's point of contact for trafficking issues is Poloff Patrick Hanish, tel: 387-33-445-700 x2312, fax: 387-33-659-722, e-mail: HanishPN@state.gov. Time spent preparing the report: Polcouns (FS-01): 3 hours; Poloff (FS-02): 40 hours; Pol FSN (FSN-08) 30 hours. End Summary.

2. (SBU) Paragraph 23:

OVERVIEW  
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-- A. What is (are) the source(s) of available information on trafficking in persons? What plans are in place (if any) to undertake further documentation of human trafficking? How reliable are these sources?

The State Coordinator oversees the government's TIP database, which compiles information from NGOs, the State Investigative and Protection Agency (SIPA), the State Border Police (SBP), local, entity- and state-level police agencies, and prosecutors' offices. Individual NGOs, including NGOs which operate shelters, are also useful sources of information on trafficking and related societal dynamics. Generally, post assess official sources to be very reliable on providing information on arrests, prosecutions, convictions, and assistance to victims. NGOs are often very reliable in information on victim history and status, as well as continuing problems of TIP-related advocacy work. OSCE has undertaken, in cooperation with an NGO, further study of victim patterns, and the State Coordinator's office and Ministry of Human Rights and Refugees plans to further investigate trafficking/child pornography issues and child begging issues.

For further discussion of the National Action Plan, see item 25.A. below.

-- B. Is the country a country of origin, transit, and/or destination for internationally trafficked men, women, or children? Does trafficking occur within the country's borders? If so, does internal trafficking occur in territory outside of the government's control (e.g. in a civil war

situation)? To where are people trafficked? For what purposes are they trafficked? Provide, where possible, numbers or estimates for each group of trafficking victims. Have there been any changes in the TIP situation since the last TIP Report (e.g. changes in destinations)?

The country was primarily a country of origin for women and girls trafficked domestically for sexual exploitation, and, to a much lesser extent, a destination and transit point for foreign trafficking. To date, there have been no registered cases of males trafficked for sexual exploitation, although there are reports that Romani children, including boys, have been trafficked for forced labor to serve in begging rings.

More than half of all documented trafficking victims were minors. Authorities observed a continuing trend of victims primarily being trafficked domestically during the year, far surpassing the number of foreign victims. During the reporting period the Office of the State Antitrafficking Coordinator registered 29 total trafficking victims. Of the 29 total, 25 were domestic trafficking victims, a continued increase on last year's percentage (almost 80 percent) were domestic victims, indicating a continued increase in the percentage of domestic victims. The remaining four victims were foreign, one from Serbia, one from Iraq, and two from Ukraine. More than half of all victims were minors.

Roma community representatives report instances of domestic trafficking for forcible marriage. Roma community representatives also report instances of attempted recruitment of Roma girls by non-Roma individuals, believed linked to organized crime (ostensibly to be "au pairs" in Western Europe).

Although there are no reliable estimates, women may have been

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trafficked on to Western Europe. Of the four foreign victims identified in Bosnia, one lured with promises of employment in Italy, and one was promised a pre-arranged marriage in Germany. Those who transited the country generally continued on via Croatia.

The main source on the number of trafficking victims assisted during the reporting period was the Ministry of Security's Office of the State Coordinator. The State Coordinator oversees the government's TIP database which compiles information from NGOs, the State Border Police (SBP), local, entity and state-level police agencies and prosecutors offices.

-- C. What kind of conditions are the victims trafficked into?

According to non-governmental organizations that work on combating trafficking in persons, the few foreign victims found in Bosnia were lured by false job offers to work as waitresses or domestic servants, offers of pre-arranged marriage, or promises of transit to Western Europe for the same. Some NGOs reported that trafficking victims were lured into the country by promises of marriage to traffickers or their associates, while others knowingly entered into false marriages to obtain work and residence permits. Most trafficked women entered the country through Serbia or Montenegro. Many foreign victims arrive in BiH via legal border crossings with Serbia or Montenegro and carry real or false identity cards or passports. Passports are not required for BiH citizens to enter Serbia, Montenegro or Croatia (and vice versa for citizens of those countries).

In response to successful police actions against such establishments, the criminal modality linked to sexual exploitation within BiH has shifted from "night bars" and restaurants, cafes and gas stations to private apartments and houses. Traffickers are increasingly sending women on calls or bringing would-be clients to safe-houses. The use of intermediaries, including taxi drivers, bar operators,

pensioners at cafes or others to tip-off or bring clients to a location where victims are held was becoming more common.

-- D. Vulnerability to TIP: Are certain groups of persons more at risk of being trafficked (e.g. women and children, boys versus girls, certain ethnic groups, refugees, IDPs, etc.)?

Trafficking largely occurs within the country's borders, especially with domestic victims. The most common domestic age group recruited for sexual exploitation is women between 18 and 25 years old, although there were also a growing number of underage victims -- some as young as 12. Domestic victims often include: Roma women and teenage girls; persons with mild developmental disabilities; orphans; persons from destroyed or single-parent households were more likely to be recruited. For domestic victims, poverty was generally a contributing factor.

-- E. Traffickers and Their Methods: Who are the traffickers/exploiters? Are they independent business people? Small or family-based crime groups? Large international organized crime syndicates? What methods are used to approach victims? For example, are they offered lucrative jobs, sold by their families, or approached by friends of friends? What methods are used to move the victims (e.g., are false documents being used?). Are employment, travel, and tourism agencies or marriage brokers involved with or fronting for traffickers or crime groups to traffic individuals?

Traffickers in BiH are generally part of small, local criminal organizations, often operating on a local or regional level in-country. Those few that engage in cross-boarder trafficking are understood to be loosely affiliated with similar organizations in other countries, especially in neighboring Croatia, Serbia and Montenegro. Large international organized crime syndicates are not known to be involved in trafficking in BiH. There were no specific reports of employment, travel or tourism agencies having involvement in trafficking. There were rumors, however, that minor girls, especially within the Romani community, were unwillingly trafficked by family members or others into

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arranged marriages.

Recruitment methods vary, but include job offers in Western Europe, false marriages to traffickers' associates to obtain residency permits and jobs, and girls being sold by their parents. Traffickers also attract customers via classified ads in publications. There were also reports of forcibly "recruiting" females, especially minors, into trafficking through the threat of physical violence if the girls do not comply. Because of high unemployment rates, employers also successfully target women working in unregistered jobs on the black market, forcing them to perform sexual acts at the risk of losing their jobs.

Victims are usually kept in private apartments, motels, gas stations, or driven to a location where they are forced to provide sexual services to pre-arranged clients. There are several reports of victims working in conditions akin to slavery, with little or no financial support. In some cases, traffickers paid victims some wages so that they could send money home to their families. Traffickers coerced victims to remain in these situations through intimidation, verbal threats, seizure of passports, withholding of food and medical care, and physical and sexual assault. To keep victims in the country legally, traffickers also made victims apply for asylum since, as asylum seekers, they were entitled to remain in the country until their claims could be adjudicated.

13. (SBU) Paragraph 24:

SETTING THE SCENE FOR THE GOVERNMENT'S ANTI-TIP EFFORTS

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-- A. Does the government acknowledge that trafficking is a problem in the country? If not, why not?

The government acknowledges that TIP is a problem and makes significant efforts to combat TIP in BiH.

-- B. Which government agencies are involved in anti-trafficking efforts and which agency, if any, has the lead?

The Office of the State Coordinator for Anti-trafficking within the Ministry of Security (MOS) has the lead role in anti-TIP efforts. The State Coordinator's mandate includes coordination of victim protection efforts among NGOs, law enforcement and government institutions. The BiH State Prosecutors Office has exclusive jurisdiction over trafficking cases and can decide which cases to prosecute at the state-level and which to send to the entity-level. A nationwide interagency investigative task force to combat trafficking, the Anti-trafficking Strike Force, was chaired by the chief state prosecutor and included prosecutors, police, and financial investigators who targeted trafficking and illegal migration. The following government agencies are also involved in the Inter-Ministerial Working Group to Combat Trafficking: at the state-level, the Ministry of Human Rights and Refugees, the State Border Police (SBP), the Ministry of Justice, the Ministry for Foreign Affairs, and the Ministry of Security. At the entity-level, the Ministries of Interior (MUPs), Ministries of Health, Ministries of Labor and Social Welfare and Ministries of Education contributed to anti-trafficking efforts. Prosecutors at the state, entity and local levels are also involved.

-- C. What are the limitations on the government's ability to address this problem in practice? For example, is funding for police or other institutions inadequate? Is overall corruption a problem? Does the government lack the resources to aid victims?

The government's ability to address TIP is limited in practice due to limited funding and the complexity of Bosnia's political structure. In 2008, the State Coordinator's office dispersed an estimated total of \$200,000 to combat trafficking in persons. An additional \$22,400 was provided through the Ministry of Human Rights and Refugees, primarily for the repatriation of domestic victims. The

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Ministry of Security allotted funding of 200,000 KM (\$133,333) for assistance to foreign citizen of trafficking (including repatriation assistance) in 2008. However, given the small number of foreign trafficking victims (only four in 2008), this number was decreased to 100,000 KM (\$66,667) for 2009. The amount of assistance to domestic victims of trafficking was marginally increased to 45,000 KM (\$30,000) for 2009.

Corruption in BiH, as related to funding for TIP, has not been assessed to be a problem. In 2008, the budget of the State Coordinator's Office was incorporated into the Ministry of Security budget as a separate line item. Funds are transparently allotted as a line item of the Ministries of Security and Human Rights and Refugees. NGOs who are eligible recipients of funding meet regularly with ministry staff, apply for funding based on number of victims assisted, and confirm to us receipt of funds.

The greatest limitation placed on the government of BiH's fight against trafficking is the continuing stalemate among political leaders, ethnic divides, and cumbersome administrative structure imposed by the Dayton constitution. The opportunity for legislative stonewalling and tit-for-tat political games impedes work in trafficking, along with

virtually all other areas of government activity. Lack of cooperation among geographically and ethnically divided law enforcement and prosecutorial agencies often severely complicates national-level solutions to trafficking problems.

-- D. To what extent does the government systematically monitor its anti-trafficking efforts (on all fronts -- prosecution, victim protection, and prevention) and periodically make available, publicly or privately and directly or through regional/international organizations, its assessments of these anti-trafficking efforts?

The government monitors anti-trafficking efforts in a number of ways. The Antitrafficking Strike Force, which meets two times per month and includes police and prosecutors from all agencies and entities, as well as representatives of USDOJ's Overseas Prosecutorial Development and Assistance Training (OPDAT) program, monitors the progress of TIP investigations and prosecutions and reports to the State Coordinator. There is also a working group with NGO and international community representatives, chaired by the State Coordinator, which assesses prevention and protection issues. There are also a number of thematic working groups on specific areas of concern, including trafficking of children. The State Coordinator also publishes (in print and electronic versions) its Annual Report on trafficking, which includes data gathered from prosecutors, NGOs and police agencies throughout BiH. The State Coordinator's Office maintains an active anti-trafficking website ([www.antitrafficking.gov.ba](http://www.antitrafficking.gov.ba)).

14. (SBU) Paragraph 25:

#### INVESTIGATION AND PROSECUTION OF TRAFFICKERS

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For questions A-D, posts should highlight in particular whether or not the country has enacted any new legislation since the last TIP report.

-- A. Existing Laws against TIP: Does the country have a law or laws specifically prohibiting trafficking in persons -- both for sexual exploitation and labor? If so, please specifically cite the name of the law(s) and its date of enactment and provide the exact language (actual copies preferable) of the TIP provisions. Please provide a full inventory of trafficking laws, including non-criminal statutes that allow for civil penalties against alleged trafficking crimes (e.g., civil forfeiture laws and laws against illegal debt). Does the law(s) cover both internal and transnational forms of trafficking? If not, under what other laws can traffickers be prosecuted? For example, are there laws against slavery or the exploitation of prostitution by means of force, fraud, or coercion? Are these other laws being used in trafficking cases?

Article 186 of the BiH Criminal Code prohibits trafficking

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for sexual exploitation, forced labor and organ transplantation. Article 186 covers the "recruitment, transfer, harboring or receipt" of trafficked persons, making it applicable to both transnational and internal trafficking.

Article 187 of the BiH Criminal Code prohibits international procurement for prostitution, and provides prosecutors with another option in pursuing international traffickers. Articles 186 and 187 of the Criminal Code are harmonized with the Palermo Protocol. If the evidence is not sufficient to support prosecution under Articles 186 and 187, traffickers may also be prosecuted at the state level for slavery (Article 185, which also prohibits selling children for adoption), unlawful withholding of identity papers (Article 188) and alien smuggling (Article 189). The Federation and RS Criminal Codes also prohibit trafficking and related crimes. Pimping is a major crime (equivalent to a felony) under both state-and entity level criminal codes, and carries a penalty ranging from 1-5 years if the victim is an adult,

and 3-15 years if the victim is a minor. A number of traffickers have been prosecuted for pimping and pandering where the evidence was not sufficient to support an indictment for trafficking. Taken together, these laws adequately cover the full scope of trafficking in persons.

In addition to criminal penalties, some NGOs are assisting victims in filing civil compensation claims for medical bills, pain and suffering, lost wages, etc. At this time, BiH's criminal asset forfeiture law requires proof that all items being seized were acquired with the proceeds of illegal activity. In practice, this standard is difficult to meet, so criminal asset forfeiture has not been widely used in TIP or organized crime cases. Through the U.S. Marshals, OPDAT is providing training to BiH prosecutors on asset forfeiture, which will hopefully lead to increased seizures in coming years. During the reporting period, there was no seizure of assets connected to trafficking cases in BiH. Misunderstandings are common because of the existence of four different penal codes, with the state, Federation, RS and Brcko District maintaining distinct criminal statutes.

In 2007, the Council of Europe Convention on Action Against Trafficking in Persons entered into force, the first European agreement in this area. This Convention, to which BiH is a signatory, focuses on protection of trafficking victims and their rights. At the proposal of the State Coordinator's Office, the Council of Ministers adopted in July, 2007 The Rules on Protection of Victims and Witnesses of Human Trafficking who are Citizens of Bosnia and Herzegovina. The Rules were adopted as a binding standard of protection of human rights for BiH victims and victim witnesses of human trafficking and establish principles and common operational standards relating to identification procedures, protection and assistance, primary and secondary prevention and other activities benefiting the protection and assistance of victims and witnesses of TIP from Bosnia and Herzegovina.

At the end of 2007, the State Coordinator's Office finalized the new National Action Plan for 2008-2012. Using a human rights-based approach, the new Action Plan foresees a comprehensive package of goals and measures in the areas of prevention, protection and prosecution for the next five years. To ensure the effective implementation of these goals, the new Action Plan also includes measures for the evaluation of implemented activities and for the referral of trafficking victims. The Council of Ministers is expected to adopt the Action Plan in the near future.

-- B. Punishment of Sex Trafficking Offenses: What are the prescribed and imposed penalties for trafficking people for sexual exploitation?

The maximum penalty for any trafficking offense under Article 186 is ten years' imprisonment; defendants may be sentenced to a total of 20 years if certain aggravating circumstances are present. If the trafficker was involved in the sexual exploitation of a minor, the penalty carries a minimum of five years' imprisonment.

During the reporting period, Federation Courts convicted seven individuals of trafficking-related offenses, all of whom received suspended sentences (four of which were through

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plea bargains). Within the Federation, at the Cantonal level, a total of 54 cases (of which 12 cases were begun prior to the reporting period) were in proceedings. From these cases, 16 persons were convicted of trafficking-related offenses. Of these 16 persons, nine were imprisoned.

In Republika Srpska's criminal code, trafficking in human beings for prostitution is a crime. In 2008, there were no changes to any legal provisions regarding trafficking in persons. During 2008, the Prosecutor's Office of Republika Srpska received 18 criminal charges for trafficking in

persons. Of that, 15 cases were investigated, and two cases were pending investigation. In addition to 14 investigations ongoing from previous years, a total of 29 investigations were ongoing during the reporting period.

Eight cases reached indictment; investigation was suspended in seven cases; investigation continued in 14 cases. 11 persons were convicted and received prison sentences. Of those 11, in three cases the Court rendered lighter prison sentences (three months for each) after accepting plea bargains. In these cases, the defendants agreed to testify against the organizers of human trafficking rings, who received longer prison sentences.

In the Brcko District, a law exists regarding the "criminal act against sexual freedom and morale" (Section 19 of the Brcko district criminal code). However, a number of different types of crimes exist under this law, not all of which relate to trafficking (including exploitation of a minor, and other types of sexual abuse). "Enticement to prostitution" is, however, one of the sub-categories, and is considered a trafficking-related offense. Overall, 11 perpetrators were charged under Section 19, related to eight victims (five of whom were minors). No further break-down of data as to the type of crime was available.

The BiH State Court had four ongoing cases (against a total of 19 persons) involving trafficking offenses at year's end, one of which was the re-trial of a 2006 conviction based on procedural flaws in the initial trial. No individuals received fines as punishment.

-- C. Punishment of Labor Trafficking Offenses: What are the prescribed and imposed penalties for trafficking for labor exploitation, such as forced or bonded labor? If your country is a source country for labor migrants, do the government's laws provide for criminal punishment -- i.e. jail time -- for labor recruiters who engage in recruitment of workers using knowingly fraudulent or deceptive offers with the purpose of subjecting workers to trafficking in the destination country? If your country is a destination for labor migrants, are there laws punishing employers or labor agents who confiscate workers' passports or travel documents for the purpose of trafficking, switch contracts without the worker's consent as a means to keep the worker in a state of service, or withhold payment of salaries as means of keeping the worker in a state of service?

Bosnian law does not differentiate between trafficking for sexual purposes and trafficking for labor. Bosnia was neither a source nor a destination country for forced or bonded labor.

-- D. What are the prescribed penalties for rape or forcible sexual assault? (NOTE: This is necessary to evaluate a foreign government's compliance with TVPA Minimum Standard 2, which reads: ". . . the government of the country should prescribe punishment commensurate with that for grave crimes, such as forcible sexual assault (rape)." END NOTE)

The maximum penalty for rape is 20 years, with aggravating circumstance. Rape penalties parallel the penalties for trafficking offenses in that to receive the maximum sentence, aggravating circumstances must be present.

-- E. Law Enforcement Statistics: Did the government prosecute any cases against human trafficking offenders during the reporting period? If so, provide numbers of investigations, prosecutions, convictions, and sentences

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imposed, including details on plea bargains and fines, if relevant and available. Please note the number of convicted traffickers who received suspended sentences and the number who received only a fine as punishment.



Please indicate which laws were used to investigate, prosecute, convict, and sentence traffickers. Also, if possible, please disaggregate numbers of cases by type of TIP (labor vs. commercial sexual exploitation) and victims (children under 18 years of age vs. adults). If in a labor source country, did the government criminally prosecute labor recruiters who recruit workers using knowingly fraudulent or deceptive offers or by imposing fees or commissions for the purpose of subjecting the worker to debt bondage? Did the government in a labor destination country criminally prosecute employers or labor agents who confiscate workers' passports/travel documents for the purpose of trafficking, switch contracts or terms of employment without the worker's consent to keep workers in a state of service, use physical or sexual abuse or the threat of such abuse to keep workers in a state of service, or withhold payment of salaries as a means to keep workers in a state of service? What were the actual punishments imposed on persons convicted of these offenses? Are the traffickers serving the time sentenced? If not, why not?

For information on imposed sentences and types of trafficking cases, please see items 25.B. and 23.B. above.

The BiH State Prosecutor's office has exclusive jurisdiction over trafficking cases and can decide which cases to prosecute at the state level and which to send to the entity courts. The nationwide interagency investigative task force to combat trafficking, the Antitrafficking Strike Force, was chaired by the chief state prosecutor and included prosecutors, police, and financial investigators and targeted trafficking and illegal migration. BiH government plans call for SIPA (an institution formed in 2006) to take over the responsibilities of the Antitrafficking Strike Force as its capacity to coordinate anti-trafficking work expands.

The government provided the following case statistics through its TIP database, maintained by SIPA. This database contains information contributed by all police agencies, NGOs and prosecutors. TIP data is also harmonized and reported in the State Coordinator's annual report. The State Coordinator reported 29 registered TIP victims during 2007, although he noted that there are likely to be many more victims who do not come to the attention of the authorities.

SIPA submitted 36 reports (related to a total of 57 individuals) of criminal acts related to trafficking in persons for sexual exploitation.

During the reporting period, the Prosecutor's Office prosecuted two cases involving five juvenile victims and seven defendants. All defendants are charged with trafficking for the purposes of exploitation. All the victims are BiH nationals. Currently, there are 11 individuals under investigation for trafficking in human beings.

Regarding sentencing, the current sentences range from 10 to 15 years of imprisonment but varies based on several circumstances, such as the degree of criminal liability, the motives for perpetrating the offense, the degree of danger or injury to the protected object, the circumstances in which the offense was perpetrated, and the past and present conduct of the perpetrator.

-- F. Does the government provide any specialized training for government officials in how to recognize, investigate, and prosecute instances of trafficking? Specify whether NGOs, international organizations, and/or the USG provide specialized training for host government officials.

The government provides specialized training for government officials on recognition, investigation and prosecution of trafficking. During the reporting period, the State Coordinator's Office partnered with Caritas of Bosnia and Herzegovina and Catholic Relief Services (CRS) in a campaign to increase public awareness of trafficking in persons, specifically targeting young people seeking employment



outside BiH. Materials for the public awareness campaign were distributed to all diplomatic-consular missions and to all missions of international organizations in BiH (through the Ministry of Foreign Affairs of BiH), State Border Police offices, universities, shopping centers and primary and secondary schools.

In 2007, The State Coordinator's Office partnered with Save the Children Norway and NGO Citizens Association Medica in a regional program to target at-risk children and improve the rights of child victims of trafficking. In cooperation with Save the Children Norway, the government developed a manual for police, prosecutors, social centers and health care institutions on preventing children from becoming victims of TIP. The State Coordinator's Office also drafted standardized operating procedures for dealing with child victims in the "Standardized Practices of Different Professionals in Protection and Treatment of Children Victims of Trafficking and Victim Witnesses of Human Trafficking in BiH."

Bosnian judicial centers provide basic training for all judges and prosecutors. During the course of their education, judges, prosecutors, and legal associates are taught the elements of trafficking and what should be proven. Law enforcement academies, in particular the BiH border police, educate cadets on how to recognize trafficking as a cross-border crime.

-- G. Does the government cooperate with other governments in the investigation and prosecution of trafficking cases? If possible, provide the number of cooperative international investigations on trafficking during the reporting period.

BiH has active cooperation with other governments, especially the neighboring countries of Croatia, Serbia and Montenegro. BiH has signed bilateral agreements on cooperation in organized crimes cases (including trafficking in persons) with the State Prosecutor's Offices of Croatia, Serbia, Montenegro and Macedonia. Unfortunately, BiH has no binding bilateral agreements regarding witness protection, which makes it more difficult to participate effectively in international investigations. However, in 2007 in partnership with the International Center for Migration Politics (ICMPD), the second phase of a Project to support the transnational referral mechanism for trafficking victims (TRMP) in southeastern Europe was launched. Bosnia and Herzegovina became an ICMPD member in 2006. The number of ongoing cooperative international investigations was not available during the reporting period, although four cases of BiH nationals trafficked to other countries were returned to BiH through utilization of an international case referral mechanism.

Since its establishment, the State Prosecutor's Office of Bosnia and Herzegovina has continued to cooperate with prosecutors from other countries in the region fighting various types of crime, including trafficking in human beings.

The contribution of the Prosecutor's Office of Bosnia and Herzegovina to the development of cooperation at the international and regional level is specially reflected in the framework of the international Southeast European Prosecutors Advisory Group (SEEPAG), regional South East European Cooperative Initiative within the project of regional cooperation pursuant to the Memorandum on Cooperation of Prosecutors of Western Balkans within the CARDS program as well as European program on cooperation of Prosecutors (CPGE) and the network for cooperation of judiciary of European Union EUROJUST. It is worth mentioning that the BiH State Prosecutor's Office signed a memorandum of understanding with all prosecutor's Offices in the region (Albania, Macedonia, Serbia, Croatia, and Montenegro) to cooperate closely in repressing, investigating and

prosecuting perpetrators of organized crime, criminal groups and criminal associations.

-- H. Does the government extradite persons who are charged with trafficking in other countries? If so, please provide the number of traffickers extradited during the reporting

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period, and the number of trafficking extraditions pending. In particular, please report on any pending or concluded extraditions of trafficking offenders to the United States.

Extradition of non-citizens is permitted, but there were no extraditions of traffickers during the reporting period, nor were any extraditions requested. The BiH Criminal Procedure Code prohibits the extradition of Bosnian citizens. However, the State Prosecutor can bring cases against Bosnian citizens for crimes committed outside Bosnian territory. There are currently no efforts underway to modify laws to permit the extradition of Bosnian nationals.

-- I. Is there evidence of government involvement in or tolerance of trafficking, on a local or institutional level? If so, please explain in detail.

On December 18, 2007 members of the RS Ministry of Interior arrested nine persons from Derventa and Prnjavor suspected of human trafficking. This case involved the forced prostitution of three juvenile girls from Derventa and Prnjavor municipalities in the RS. Among those arrested were two employees of the Derventa Center for Social Welfare and the Director of the Derventa Technical High School. The trafficking case was opened after one of the victims came forward. One of the victims has alleged that one of the men she was forced to have sex with is Derventa Mayor Milorad Simic, who has denied the accusations. At the end of the reporting period, the case was still being investigated by the BiH State Prosecutor's Office and two of the nine individuals arrested were in police custody. The case was ongoing at the end of the reporting period.

Both entities' police forces have Police Standards Units (PSUs), which are charged with investigating and disciplining officers for criminal offenses or dereliction of duty. There were no prosecutions or convictions of government officials for involvement in trafficking during the reporting period.

There continued to be anecdotal reports of police and other official involvement in trafficking, particularly at the local level. Victims' groups alleged that, because of strong local networks, local police often willfully ignored or actively protected consumers or perpetrators of trafficking activity, often accepting bribes in return.

-- J. If government officials are involved in trafficking, what steps has the government taken to end such participation? Please indicate the number of government officials investigated and prosecuted for involvement in trafficking or trafficking-related corruption during the reporting period. Have any been convicted? What sentence(s) was imposed? Please specify if officials received suspended sentences, or were given a fine, fired, or reassigned to another position within the government as punishment. Please indicate the number of convicted officials that received suspended sentences or received only a fine as punishment.

To date there have been only a few documented cases of official involvement in trafficking, and no official indictments have been made.

-- K. Is prostitution legalized or decriminalized? Specifically, are the activities of the prostitute criminalized? Are the activities of the brothel owner/operator, clients, pimps, and enforcers criminalized? Are these laws enforced? If prostitution is legal and regulated, what is the legal minimum age for this activity?

Note that in countries with federalist systems, prostitution laws may be under state or local jurisdiction and may differ among jurisdictions.

Prostitution is illegal in BiH. Prostitutes can be prosecuted for their activities as a minor (misdemeanor) offense in the Federation and Brcko District, which is usually punishable by a fine. Clients can also be prosecuted, but this very rarely occurs. In the RS, engaging in prostitution itself is not a crime. Pimping and pandering are major (felony) offenses in both the RS and the Federation, and such laws are frequently used to prosecute brothel owners and some traffickers. The maximum penalty for pimping is 15 years' imprisonment if the

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victim is a minor; five years if the victim is an adult.

-- L. For countries that contribute troops to international peacekeeping efforts, please indicate whether the government vigorously investigated, prosecuted, convicted and sentenced nationals of the country deployed abroad as part of a peacekeeping or other similar mission who engaged in or facilitated severe forms of trafficking or who exploited victims of such trafficking.

BiH has less than a hundred troops employed abroad as part of a peacekeeping mission and there have been no reports of any member engaging in or facilitating trafficking in persons. However, during the reporting period, the State Ministry of Defense, in cooperation with the OSCE, began a further training program for peacekeepers and their commanders, familiarizing them with ways to identify trafficking, responsibility to report trafficking, and relevant laws prohibiting trafficking.

-- M. If the country has an identified problem of child sex tourists coming to the country, what are the countries of origin for sex tourists? How many foreign pedophiles did the government prosecute or deport/extradite to their country of origin? If your host country's nationals are perpetrators of child sex tourism, do the country's child sexual abuse laws have extraterritorial coverage (similar to the U.S. PROTECT Act) to allow the prosecution of suspected sex tourists for crimes committed abroad? If so, how many of the country's nationals were prosecuted and/or convicted during the reporting period under the extraterritorial provision(s) for traveling to other countries to engage in child sex tourism?

BiH does not have an identified child sex tourism problem, either as a source or destination country. The country's child sex abuse laws do not have extraterritorial provisions similar to the U.S. PROTECT ACT.

During the reporting period, BiH authorities, including 10 prosecutors' offices at different levels of government, cooperated in "Operation Sledgehammer," an inter-agency effort to combat dissemination of child pornography. Two major raids were conducted as a result of this operation. The cases were ongoing at the end of the reporting period.

15. (SBU) Paragraph 26:

PROTECTION AND ASSISTANCE TO VICTIMS

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-- A. What kind of protection is the government able under existing law to provide for victims and witnesses? Does it provide these protections in practice?

A person identified as a TIP victim through the government's screening and referral process is eligible for a humanitarian visa for a legal, temporary stay in BiH. Prior to requesting such a visa, victims are permitted a 30-day "reflection period," recently lengthened from the previous 15-day allowance. During the reporting period, two TIP victims requested residence permits on humanitarian grounds. Both

these requests were approved.

-- B. Does the country have victim care facilities (shelters or drop-in centers) which are accessible to trafficking victims? Do foreign victims have the same access to care as domestic trafficking victims? Where are child victims placed (e.g., in shelters, foster care, or juvenile justice detention centers)? Does the country have specialized care for adults in addition to children? Does the country have specialized care for male victims as well as female? Does the country have specialized facilities dedicated to helping victims of trafficking? Are these facilities operated by the government or by NGOs? What is the funding source of these facilities? Please estimate the amount the government spent (in U.S. dollar equivalent) on these specialized facilities dedicated to helping trafficking victims during the reporting period.

The State Coordinator's Office oversees shelter management and ensures that NGOs meet agreed-upon standards in providing

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victim assistance. The Ministry of Security, through a memorandum of understanding, delegates victim assistance to six local NGOs that provide shelter, medical and psychological assistance to both domestic and foreign TIP victims throughout the country. The six NGOs (La Strada, Medica Zenica, Forum of Solidarity, Lara, Zena s Une, and Zena BiH) run seven shelters located in Mostar, Sarajevo, Banja Luka, Dobo, and Bijeljina. Each shelter has a part-time psychologist on staff. The local NGO "Vasa Prava" has a memorandum of understanding with the Ministry of Security and provides pro bono legal assistance to trafficking victims housed in NGO shelters immediately upon their placement in the shelter. Health care is provided either at the shelters by visiting medical professionals or at local clinics and hospitals. One local NGO has a pilot reintegration program offering vocational training and counseling to domestic TIP victims. The State Ministry of Human Rights and Refugees has committed funds for re-integration and rehabilitation of victims, which NGOs may also apply for in relation to the total number of victims they assist.

-- C. Does the government provide trafficking victims with access to legal, medical and psychological services? If so, please specify the kind of assistance provided. Does the government provide funding or other forms of support to foreign or domestic NGOs and/or international organizations for providing these services to trafficking victims? Please explain and provide any funding amounts in U.S. dollar equivalent. If assistance provided was in-kind, please specify exact assistance. Please specify if funding for assistance comes from a federal budget or from regional or local governments.

The state-level (federal) government provides assistance to the six NGOs who run shelters to help subsidize the cost of shelter operations. During the reporting period, the government disbursed approximately \$133,333 (200,000 KM) for the State Coordinator's Office to support shelters providing victim assistance.

Additionally, the government allocated approximately \$30,000 (45,000 KM) to the Ministry of Human Rights and Refugees to support a reintegration and health care fund for domestic victims of trafficking.

The government of BiH, through the State Anti-Trafficking Coordinator's Office, funded operation of a TIP hotline by the NGO La Strada. The hotline, reachable through BiH via a "short dial" four-digit number, allows easy access by TIP victims to immediate assistance.

See also response to item 26.B.

-- D. Does the government assist foreign trafficking victims, for example, by providing temporary to permanent residency status, or other relief from deportation? If so, please explain.

A person identified as a TIP victim through the government's screening and referral process is eligible for a humanitarian visa for a legal, temporary stay in BiH. During the reporting period, nine TIP victims requested residence permits on humanitarian grounds. Eight of these requests were approved and one was still under consideration at the end of the reporting period.

-- E. Does the government provide longer-term shelter or housing benefits to victims or other resources to aid the victims in rebuilding their lives?

Yes, there are seven shelters located throughout BiH, operated by six NGOs, which receive funding from the Ministry of Security and the Ministry of Human Rights and Refugees on a per-victim basis. There is no established limit to the time a victim may spend in a shelter. Post is aware of one victim remaining in a NGO-run shelter for more than five years. See item 26.G.

-- F. Does the government have a referral process to transfer victims detained, arrested or placed in protective custody by

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law enforcement authorities to institutions that provide short- or long-term care (either government or NGO-run)?

Yes, and this referral mechanism is used in practice. See item 26.G.

-- G. What is the total number of trafficking victims identified during the reporting period? Of these, how many victims were referred to care facilities for assistance by law enforcement authorities during the reporting period? By social services officials? What is the number of victims assisted by government-funded assistance programs and those not funded by the government during the reporting period?

The State Anti-Trafficking Coordinator's Office reports a total of 29 trafficking victims during the reporting period. During the reporting period, 22 victims received assistance in shelters. All victims receiving assistance in shelters benefited from government funding. All foreign victims were referred to shelters by the State Agency for Foreigners. One domestic victim was referred by a law enforcement agency, while all remaining domestic victims were referred by the Centers for Social Welfare, in many cases at the recommendation of the OSCE.

-- H. Do the government's law enforcement, immigration, and social services personnel have a formal system of proactively identifying victims of trafficking among high-risk persons with whom they come in contact (e.g., foreign persons arrested for prostitution or immigration violations)? For countries with legalized prostitution, does the government have a mechanism for screening for trafficking victims among persons involved in the legal/regulated commercial sex trade?

The government and NGOs have developed and signed a formal referral mechanism for screening, identifying and assisting foreign victims. Police and SBP officers use a screening questionnaire to assist them in evaluating victims. Alien Inspectors employed by the Ministry of Security have received formal training in victim identification procedures. The draft referral mechanism for domestic victims is awaiting final approval by the Council of Ministers. During the reporting period, the government identified 29 victims of trafficking through the referral mechanism.

-- I. Are the rights of victims respected? Are trafficking victims detained or jailed? If so, for how long? Are

victims fined? Are victims prosecuted for violations of other laws, such as those governing immigration or prostitution?

The rights of victims are respected. If screening established that a person was a trafficking victim, the victim was taken to a shelter and authorities did not prosecute that person for immigration or prostitution violations, nor did authorities detain or jail victims. The Law on Movement and Stay of Aliens provides for the granting of a temporary humanitarian visa to TIP victims. During the reporting period, the length of stay for a humanitarian visa was lengthened from three to six months.

If a person is arrested or detained and subsequently identified as a trafficking victim, he or she receives shelter and related services and is eligible for protection from deportation and/or a humanitarian visa. The BiH Criminal Procedure Code allows detention for up to six hours for questioning. This limit is generally respected in practice.

Police officials generally presume that detainees are TIP victims if there is any evidence to support this conclusion, and they are referred to shelters for additional evaluation. Bosnia's immigration detention facility is still under construction, though phase one of construction has been completed, and the shelter now has a capacity of 40 beds. However, in most cases, foreign victims were voluntarily repatriated. Persons determined by law enforcement not to be trafficked victims can be subject to deportation and/or (occasionally) prosecution for immigration and other violations.

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-- J. Does the government encourage victims to assist in the investigation and prosecution of trafficking? How many victims assisted in the investigation and prosecution of traffickers during the reporting period? May victims file civil suits or seek legal action against traffickers? Does anyone impede victim access to such legal redress? If a victim is a material witness in a court case against a former employer, is the victim permitted to obtain other employment or to leave the country pending trial proceedings? Are there means by which a victim may obtain restitution?

The government encourages victim-witnesses to testify against their traffickers. At this time, about a quarter of victims actually testify. A number of prosecutors have worked extensively with victims to develop cases. SIPA reports nine trafficking victims agreed to testify in court proceedings against traffickers. However, there was no further information available on the number of victim witnesses assisting in other ways in the investigation and prosecution of traffickers during the reporting period, but there were victims who assisted these efforts.

Victims can file civil suits against their traffickers for medical expenses, lost wages or pain and suffering and are encouraged to do. Vasa Prava attorneys provide pro bono legal aid and shelter staff assist victims in filing these claims. Victims remaining in BiH on humanitarian visas or those who have applied for asylum are not permitted to work. Foreign victims can choose to be voluntarily repatriated at any time. There is currently no victim restitution program, although there is a victim's assistance fund supported by judgments against those convicted of trafficking. BiH is currently working to harmonize its immigration laws with EU standards. Legislation extending the humanitarian visa from three to six months was enacted during the reporting period.

-- K. Does the government provide any specialized training for government officials in identifying trafficking victims and in the provision of assistance to trafficked victims, including the special needs of trafficked children? Does the

government provide training on protections and assistance to its embassies and consulates in foreign countries that are destination or transit countries? What is the number of trafficking victims assisted by the host country's embassies or consulates abroad during the reporting period? Please explain the type of assistance provided (travel documents, referrals to assistance, payment for transportation home).

The government provides extensive training in the recognition of TIP victims and in how to assist them. The government continues to train prosecutors, judges, police officials, and social workers on TIP issues. Specifically, the government has worked extensively with the local Centers for Social Work responsible for assisting domestic victims, particularly minors. The government has also trained municipal court judges, who make guardianship and custody decisions about minor victims. During the reporting period, the government continued to train its consular officials abroad to identify potential TIP victims applying for Bosnian visas. Officials at Bosnian embassies are encouraged to develop connections with local TIP NGOs, including La Strada and Catholic Relief Services (CRS), which are part of an international network. The MFA requires personal interviews for all visa applicants.

Bosnian participants in international peacekeeping missions also receive specialized TIP awareness training before deployment. All members of incoming units to the EUFOR mission in Bosnia are required to attend a four-hour seminar on trafficking which stresses NATO's zero-tolerance policy for any involvement in TIP or prostitution. There were no reliable estimates on the number of trafficking victims assisted by host country embassies or consulates, but this number was believed to be low since the majority of native Bosnian victims were trafficked within the country's borders.

-- L. Does the government provide assistance, such as medical aid, shelter, or financial help, to its nationals who are repatriated as victims of trafficking?

At this time, there are no specific government programs to assist its repatriated nationals, except those who are minors. However, repatriated TIP victims who identify

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themselves and seek assistance can receive the same services from local NGOs that are provided to foreign victims. The care and custody of minors is the responsibility of the Centers for Social Work, who report to the entity Ministries of Social Welfare. One local NGO has started a pilot program to provide counseling and vocational training to repatriated Bosnian TIP victims. There is also a program with the International Centre for Migration Policy Development, the Bosnian government and ten other nations on a South Eastern Europe Project that will develop a standardized mechanism and operating procedures for repatriation across borders.

-- M. Which international organizations or NGOs, if any, work with trafficking victims? What type of services do they provide? What sort of cooperation do they receive from local authorities?

The following international organizations work on a variety of antitrafficking efforts encompassing prevention, protection and prosecution: International Organization for Migration (IOM), Catholic Relief Services (CRS), CARE, Save The Children Norway, the Organization for Security and Cooperation in Europe (OSCE), USAID, Norwegian People's Aid, the Government of Italy, La Strada Network, and Emmaus International.

16. (SBU) Paragraph 27:

PREVENTION  
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-- A. Did the government conduct anti-trafficking information or education campaigns during the reporting period? If so,



briefly describe the campaign(s), including their objectives and effectiveness. Please provide the number of people reached by such awareness efforts, if available. Do these campaigns target potential trafficking victims and/or the demand for trafficking (e.g. "clients" of prostitutes or beneficiaries of forced labor)? (Note: This can be an especially noteworthy effort where prostitution is legal. End Note.)

The government continued antitrafficking education campaigns during the reporting period. For part of the reporting period, the State Coordinator partnered with CRS to work on anti-trafficking education issues, with support from the U.S. Embassy. In 2007, the government partnered with the International Organization for Migration (IOM) to conduct a public campaign targeting both potential consumers and victims, including children between 12 and 19 years old. The State Coordinator assisted in developing and approving educational materials for schoolchildren throughout BiH, in cooperation with USAID and the entity Ministries of Education. Local NGOs also continued to work on public awareness campaigns targeting youth and the Romani community on a regional basis.

-- B. Does the government monitor immigration and emigration patterns for evidence of trafficking? Do law enforcement agencies screen for potential trafficking victims along borders?

Yes the government of BiH, through the State Border Police, monitors immigration/emigration patterns for evidence of TIP. Virtually all SBP officers at border crossings and airports have received training on the detection and identification of potential TIP victims and screen for potential victims along the border. Additionally, border crossings serve as an area for trafficking awareness programs, including posters at ports of entry to BiH. The SBP shares their data on immigration and emigration at the Strike Force meetings. The State Coordinator's mandate also includes alien smuggling and illegal immigration.

During the reporting period, 55 persons were identified as victims of alien smuggling. SIPA reports all these persons were intended to be smuggled to Western Europe. 23 were citizens of Albanian; 14 of Serbia; and nine of Turkey. During the reporting period, there were 57 reports on the criminal act of human smuggling (under article 189 of the BiH criminal code), involving 137 persons. Six additional

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reports were submitted under article 250 of the criminal code of BiH (related to organized crime), involving 59 persons. These numbers represent a decrease in the total number of smuggling cases reported from past years (539 cases in 2007, and 331 in 2006). The government, in addition to measures meant to strengthen antitrafficking programs, is also actively providing training programs to specifically counter the trend in alien smuggling which has links to trafficking in persons.

-- C. Is there a mechanism for coordination and communication between various agencies, internal, international, and multilateral on trafficking-related matters, such as a multi-agency working group or a task force?

The primary coordination and communication mechanisms are the TIP Strike Force, the State Coordinator's thematic working groups, and the larger TIP working group that includes NGO and IO representatives. Generally, the State Coordinator's office is the point of contact for all these mechanisms. The State Coordinator meets regularly with NGOs to share information and discuss anti-TIP activities. The government does not have a public corruption task force. During the reporting period, however, BiH adopted a National Anti-Corruption Strategy. A portion of this strategy relates directly to the fight against public corruption. SIPA also

has units that focus on trafficking, organized crime and financial crimes, and the entity Police Standards Units (PSUs) investigate and file charges in cases of corruption or abuse of office by police personnel. SIPA's newly-formed trafficking units have neared full staffing levels, and plan to eventually take over the coordination and communication work of the Strike Force, as envisioned by BiH government plans.

-- D. Does the government have a national plan of action to address trafficking in persons? If the plan was developed during the reporting period, which agencies were involved in developing it? Were NGOs consulted in the process? What steps has the government taken to implement the action plan?

In late 2007, the government drafted a new, five-year National Action Plan to cover 2008-2012 (the second such plan for BiH). The new plan clearly establishes operational measures and objectives in the areas of: systematic support, prevention, victim (and victim witness) protection and assistance, criminal prosecution and international cooperation. The plan also delineates the responsibilities of various institutions, including the government, NGO and international communities and establishes a time frame for implementation, sources of funding and indicators for success. The Ministry of Human Rights and Refugees, the Ministry of Justice, the Ministry of Security, the Ministry of Foreign Affairs, the State Border Police and the BiH State Prosecutor's Office helped to develop the Action Plan. NGOs working on combating trafficking were also consulted during the drafting process and had an opportunity to provide input on the new plan. The new National Action Plan was published and distributed to all local antitrafficking NGOs and relevant government institutions along with the State Coordinator's 2007 TIP report for BiH.

-- E. What measures has the government taken during the reporting period to reduce the demand for commercial sex acts?

With the exception of public prevention campaigns (including the secondary school program) mentioned elsewhere in this submission, there are no specific programs targeting the demand for commercial sex acts. BiH law enforcement agencies have consistently undertaken actions to police "night bars" and other suspected locations of illegal prostitution over the past several years.

-- F. What measures has the government taken during the reporting period to reduce the participation in international child sex tourism by nationals of the country?

Sex tourism has not been identified as a problem in BiH or by nationals of BiH.

ENGLISH